IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition Nos.13711, 14106 & 14862 of 2003

Dated: 11-07-2007

W.P.No.13711/2003

Between:

Sri Bhaskara Contractors Company,
A registered partnership firm,
rep. by its Managing Partner R. Pratapa Reddy.

... Petitioner

and

1. The Government of Andhra Pradesh,
   rep. by its Secretary, Transport, Roads & Buildings Department,
   Secretariat Buildings, Hyderabad and another.

... Respondents

W.P.No.14106/2003

Between:

U. Venkateshwara Rao, s/o U. Sivarama Krishnaiah.

... Petitioner

and

1. State of Andhra Pradesh,
   rep. by the Secretary to the Government,
   Irrigation and Command Area Development,
   Secretariat Buildings, Hyderabad and 3 others.

... Respondents

W.P.No.14862/2003

Between:

D. Madan Mohan Reddy, s/o Nagabhushana Reddy.

... Petitioner

and

1. The Government of Andhra Pradesh,
rep. by its Secretary, Transport, Roads & Buildings Department,
Secretariat Buildings, Hyderabad and another.

... Respondents

COMMON ORDER:

As the point involved in all these writ petitions is one and the same, they are heard and disposed of by this common order.

2. According to petitioners, they got themselves registered as Class –I Contractors and have been attending to various contractual works, but, however, the Chief Engineer, Roads and Buildings vide proceedings bearing No.020415/TAI/RE.2/2003, dated 01-07-2003 cancelled their registration certificates and the proceedings issued by him in D.Dis. No.002797/TAI/RE.2/2003, dated 22-01-2003 in view of G.O.Ms.No.8,
TR & B (Roads.I) Department, dated 08-01-2003. Of course, in the said order, it is also stated that petitioners may apply afresh as per the terms of the said G.O.

3. No doubt, G.O.Ms.No.8, dated 08-01-2003 provides for certain conditions and petitioners' registrations were accepted subsequent to the said G.O. From the proceedings itself it is clear that the registration of petitioners is dated 22-01-2003 whereas G.O. has come into existence on 08-01-2003. From this it can definitely be said that the office of the Chief Engineer has not violated the conditions stipulated in G.O.No.8, dated
08-01-2003 and thus the said cancellation made on 01-07-2003 can definitely be said to be correct. But as contended by learned counsel

for petitioners though the said G.O. is dated 08-01-2003, it had actually come into existence only as per Memo No.002816/TAI/RE2/2003, on 25-01-2003, whereas petitioners' registration is prior to 25-01-2003 and as such the said G.O. cannot be applied to petitioners.

4. Having perused the G.O., this Court is of the view that definitely the said G.O. come into force only with effect from 25-01-2003. As the registration of petitioners was on 22-01-2003, it cannot be said that petitioners are governed by G.O.Ms.No.8. Further, in G.O.Ms.No.8 itself it is stated that the existing contractors of Special Class and Class-I will be eligible for all categories of works unless otherwise specified in the tender process and even if the registration of petitioners is prior to 25-01-2003 they are definitely eligible for all categories of works.

5. Accordingly, all these writ petitions are allowed and there is no necessity for them to approach the authority and file fresh applications for reconsideration. No costs.

JUSTICE GOPALAKRISHNA TAMADA

Dt.11-07-2007
GLV